

PATENT
450100-03146**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-11 are currently pending. Claims 1, 3 and 4 are independent. Claims 1-4 are hereby amended. New claims 5-11 are hereby added. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed, and specifically at page 28. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b) and §103(a)

Claims 1, 3 and presumably 4 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,351,471 to Robinett et al. in view of U.S. Patent No. 5,452,306 to Turudic.

Claims 1-3 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Turudic.

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Claim 1 recites, *inter alia*:

"A data multiplexer...comprising...
a first calculating means...wherein different multiplexing cycle equations
are used to calculate multiplexing cycles of each of said plurality of bit streams."
(emphasis added)

As understood by Applicants, U.S. Patent No. 6,351,471 to Robinett relates to selectively multiplexing bit streams containing one or more programs, such as real-time audio/video programs. Program related information is adjusted so as to enable identification, extraction and real-time reproduction of the program at the receiving end of the bit streams.

As understood by Applicants, U.S. Patent No. 5,452,306 to Turudic relates to communication systems that utilize time-division multiplexed-transmission links. Specifically, the communication systems are directed to out-of-band embedded overhead architectures for data links.

Applicants submit that Robinett and Turudic, taken alone or in combination, do not teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of different multiplexing cycle equations, as recited in claim 1. Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claims 3 and 4 are also believed to be patentable.

Therefore, Applicant submits that independent claims 1, 3 and 4 are patentable.

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III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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